

### **REMARKS**

This Response is submitted in response to the Office Action mailed on April 11, 2006. Claims 1-26 are pending in the patent application. Claims 13-19 and 21-26 have been withdrawn. Claims 1, 3 and 5 have been amended. Claims 10 and 11 have been cancelled without prejudice or disclaimer and rewritten as new independent claims 27 and 28, respectively. New claim 29 was also added. Additionally, the specification has been amended. No new matter has been added by this response.

In the Office Action, the Patent Office objected to the specification based on informalities. Applicants have amended the specification to remove the informalities and overcome the objections.

The Patent Office also objected to the specification because the limitation "gasket portion" in claim 20 does not have antecedent basis in the specification. Applicants have amended claim 20 to change the phrase "a gasket portion of the actuator" to "a skirt portion of the closure structure." The amendment is supported in the specification at page 6, lines 1-6 and at page 7, lines 1-10.

Claim 5 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite because the phrase "the button" in claim 5 does not have antecedent basis. Applicants have amended claim 5 to change the term "the button" to "the actuator." Applicants submit that the amendment to claim 5 overcomes the rejection.

Claims 1, 2, 4, 6, 8 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 6,210,064 to White et al. ("*White*"). Applicants disagree with and traverse this rejection for the following reasons.

Amended claim 1 is directed to a fluid containing cleaning device having a housing defining a fluid reservoir in an opening, a cleaning medium carried by the housing, a valve

carried by the housing for providing communication between the reservoir and the cleaning medium and a closure structure closing the opening. The device also includes a flexible and resilient actuator or button positioned adjacent to the reservoir, which is deflectable between a rest position and an actuating position, and a retaining plate mounted in the opening. The device includes a bias structure which is independent of the valve and which is disposed between the retaining plate and the actuator so that upon depression of the actuator, the bias structure returns the actuator to the rest position. *White* does not disclose or suggest the subject matter of amended claim 1.

*White* is directed to a soap-fillable brush having a sealed actuator. As shown in Figs. 5 and 6 of *White*, the device 10 includes a housing 11 and an actuator button 40 which is engageable by dome 51. The actuator is connected to a valve assembly 30 which includes a valve stem 31 connected at one end to the button and at an opposing end to flange 37. The spring 36 is positioned between the flange 37 and a wall 24 to bias an o-ring seal 34 against wall 24. When dome 51 and thereby the button is pressed the valve stem moves downwardly to correspondingly move the flange to compress the spring and disengage the o-ring seal from the wall. When the dome and thereby the button is released, the spring biases the flange upwardly and thereby the o-ring seal into engagement with the wall.

As described above, the bias member or spring is positioned between the flange and the bottom opening of the device in *White* and is not positioned between the actuator or button and a retaining plate mounted in the opening of the housing as in the claimed invention. Additionally, the bias member or spring of *White* is not independent of the valve. Instead, the valve operation is dependent on the operation of the spring as the expansion and compression of the spring

directly controls the operation (i.e., opening and closing) of the valve. Accordingly, *White* does not disclose or suggest the subject matter of amended claim 1.

For at least these reasons, Applicants submit that amended claim 1 and claims 2-12 and 20, which depend from amended claim 1, are each patentably distinguished over *White* and in condition for allowance.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *White*. Claim 7 depends from amended claim 1. Accordingly, for at least the reasons provided above with respect to amended claim 1, claim 7 is patentably distinguished from *White* because the novel element of claim 7 in addition to the novel elements of amended claim 1 are not disclosed or suggested by *White*. Applicants therefore submit that claim 7 is in condition for allowance.

Claims 1, 3, 5-7 and 9 are rejected under 35 U.S.C. § 102(a) as being unpatentable over U.S. patent no. 2,779,963 to Wohl et al. ("*Wohl*") in view of *White*. Applicants disagree with and traverse this rejection for the following reasons.

*Wohl* is directed to a cleaning and polishing device including a disk 20 positioned adjacent to an opening in the upper half 18 of the cartridge C. The device also includes a button 26 and coil spring 24 positioned between the button and the disk. A stem 22 extends from the button 26 to a valve disk 32. When button 26 is depressed, the spring is compressed and the stem 22 moves downwardly to disengage valve disk 32 from the opening at the lower portion of cartridge C. The spring biases the button 26 and thereby the stem 22 upwardly to cause the valve disk 32 to seal the opening in the lower portion of cartridge C. The valve disk, and thereby the valve, of *Wohl* is dependent upon the bias member or spring. Furthermore, contrary to the claimed invention, the disk 20 is not positioned in the opening in the upper portion of cartridge C.

*Wohl* therefore does not remedy the deficiencies described above for *White* because *Wohl* does not disclose or suggest a bias structure which is independent of the valve and disposed between the retaining plate and the actuator so that upon depression of the actuator the bias structure returns the actuator to its rest position as in the claimed invention.

For at least these reasons, Applicants respectfully submit that the combination of *White* and *Wohl* does not disclose or suggest subject matter of amended claim 1. Accordingly, Applicants submit that amended claim 1 and claims 2-12 and 20, which depend from amended claim 1, are each patentably distinguished over the combination of *White* and *Wohl* and in condition for allowance.

Additionally, Applicants submitted new claim 29 which is directed to a fluid-containing cleaning device. The device includes a housing defining a fluid reservoir and an opening, a cleaning medium carried by the housing, a valve carried by the housing for providing communication between the reservoir and the cleaning medium, a closure structure closing the opening and a flexible and resilient actuator adjacent the reservoir and deflectable between a rest position and an actuating position. The device also includes a bias structure that is independent of the valve and disposed adjacent to the actuator so that upon depression of the actuator the bias structure returns the actuator to its rest position.


As described above, neither *White*, *Wohl* or the combination of *White* and *Wohl*, disclose, teach or suggest a bias structure that is independent of the valve where the bias structure biases the actuator but does not bias the valve. Applicants therefore submit that new claim 29 is in condition for allowance.

In light of the above, Applicants respectfully submit that claims 1-12, 20 and new claims 27 and 28 are patentable over the art of record because the cited art does not disclose, teach or

suggest the subject matter of these claims. Accordingly, Applicants respectfully request that claims 1-12, 20, 27 and 28 be deemed allowable at this time and that a timely notice of allowance be issued in this case.

A check in the amount of \$450 is submitted with this response to cover the fee for the newly added claims. If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (37787-432400) on the account statement.

Respectfully submitted,

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